Hmong Community Portrait

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Mythical, Legendary, and Scholarly Versions of the Origin of the Hmong

No one seems to know where the Hmong are from originally. Their place of origin remains a big mystery. This mystery has produced several different views about the origin of the Hmong. While some scholars argue that Hmong roots began in Siberia; others believe that the Hmong are from Mongolia, where they ruled China as the Yuan Dynasty for over one hundred years after having overthrown the Han Empire in the thirteenth century. And still others argue, in support of Hmong legends, that the Hmong had always lived in one part of China, where they were ruled by a Hmong king with magical powers, who lost his kingdom because he was tricked into falling in love with a beautiful Chinese princess. This particular legend goes on to say that all the Hmong dispersed to different parts of China after the kingdom failed. Another Hmong legend states that the Hmong roots began around Mesopotamia. This Hmong legend speaks about a messiah, who the Hmong believe will come down to earth, disguised in human form, to take them back to their lost homeland.

The Hmong history is not a written history; it is recorded as stories, legends, and travels by word of mouth. A person can learn about the Hmong by reading books, but the best way to learn about the Hmong culture is by talking to a Hmong person and to live with one.

Historical Accounts Regarding the Origin of the Hmong

Although the origin of the Hmong is difficult to trace, the historical presence of the Hmong in China is more certain. There is evidence that the Hmong once lived along the Yellow River in China more than five thousand years ago. Evidence goes on to show that the Hmong later relocated to the mountains of China, where they were better protected from ethnic persecution, heavy taxation, and slavery. Although, the Hmong began pulling out of China and heading south as long ago as 3000 B.C., violent threats of subjugation and massacre forced the Hmong to make another major move towards southern Asia (Laos, Thailand, and Southeast Burma) around 1810.[1]

In Laos, the Hmong found that they were surrounded by over sixty other ethnic groups that spoke eighty different languages, who had arrived and settled in Laos long before the Hmong came

along. Along with discovering that they had many new neighbors, the Hmong also found that they were greatly disliked in Laos for two main reasons. The first main reason was the Hmong were looked upon as intruders into a country that was not their own. The second reason had to do with the Hmong's religious practices and beliefs. The Hmong were animists; the largest ethnic group in Laos, the Laotians, where Buddhists. There was a religious clash among the two groups. As a result of the hatred that the Hmong encountered in Laos, they moved to the highlands of Laos, where they lived for a century and a half. The Hmong were "essentially outsiders, tolerated as long as they were largely unseen."[2]

The Secret War

The once quiet and peaceful lives of the Hmong slash-and-burn farmers in the mountains of Laos began disappearing in 1955, when the "the United States set up in Laos a 'Program Evaluation Office,'" a disguised military group sent to advise the Royal Lao Army in their fight against the Laotian Communist faction, the Pathet Lao.[3] By 1959, the U.S. Central Intelligence Agency (CIA) was recruiting Hmong agents, which included boys as young as age ten, to gather intelligence about North Vietnamese movements in Laos.[4] The Hmong were valuable to the Americans because they had excellent knowledge of the mountains of Laos.

The Hmong played a big role in the CIA's secret war, a war that was swept under the carpet and kept away from the public until years after the Vietnam war was over. Hmong soldiers were grouped in special fighting units to make secret attacks on the Communist forces. Another one of their duties included blocking supplies that were being shipped to aid the Communist Pathet Lao and Viet Cong along the Ho Chi Minh trail. However, the Hmong went beyond their call of duty, and put their own lives before the lives of the American soldiers, by rescuing injured American pilots whose planes were shot down.

The secret war in Laos took a lot from the Hmong community back in Laos. Not only did it strip them of their peaceful and simple way of living, but it took away many Hmong lives. By 1971, there was not one Hmong male left among the Hmong families in Laos. Even boys as young as ten were nowhere to be found. The Hmong male population diminished once again during the end of the war: "In the last few years of the war, 70 percent of the new recruits were between the

ages of ten and sixteen because there were so few men left."[5] Many Hmong had to flee their homes during the war because the heaviest of battles were fought near Hmong villages. The Hmong did receive food and other supplies from the Americans during their involvement with the CIA and the secret war. However, in 1971, the Americans became discouraged that they could do anything to better the conditions in Laos. American troops started pulling out of Laos, and by 1975, the United States withdrew from the war altogether.

When the last American troops started pulling out of Laos, a few planes with limited seats were sent to pick up the Hmong general, General Vang Pao, and other Hmong refugees. However, only the Hmong general and a few others made it onto the planes. Many others were left back in Laos to defend themselves and their families against persecution for their part in the war. Although "the Hmong had been given promises by the CIA that even if the war were lost, they would be protected and aided,"[6] this promise was not kept. Since the war in Laos was supposed to have never existed, the CIA felt that it was important to keep the war a secret. They were afraid that Americans back home might become overly concerned if the Hmong fled persecution in Laos and began coming over to the United States, as they may see this "as a tacit admission of obligation for services rendered."[7] As a result, the Hmong, as mentioned earlier, were left alone in the mountains of Laos to fight for their lives and the lives of their family members, and to endure the torture of rape, massacre, and other punishment for years to come.

Problems faced by the Hmong in the United States

When the Hmong left Laos to come to America they thought that their worst problems were solved. They were unaware of the new and just as complicated hardships that awaited them in the United states: discrimination, ethnic hatred, unemployment, illness, death, different norm and value systems, and much more. My father received his worst cultural shock when he attended a Hmong funeral in Portland, Oregon, shortly after having arrived in the United States. He walked into the wrong room at the funeral home and saw a young White male lying in a coffin. He recalled how scared and shocked he was to see a person so young dead. Before his encounter, he had thought that such things as dying young, illness, and poverty were nonexistent in America. To my father and other new Hmong refugees, America was supposed to be wonderful and free of all bad things. They

were wrong.

One problem that the Hmong faced when they arrived in America was unemployment. Back in Laos, the Hmong were farmers and had many great skills such as making tools, hunting, and producing food through the slash-and-burn farming method. However, in America they found that their skills were useless. The new flight of Hmong refugees did not speak English, which made it extremely difficult to get a job, let alone communicate with Americans. Most of the work available was being done in big factories with the help of machines; whereas in Laos, most work was done by hand. This created a big problem for the Hmong since using machines to do work meant having to understanding enough English to learn how to properly use the machines. The Hmong did not understand enough English at the time to qualify for such work. Other jobs required skills that were new to the Hmong such as math, reading, writing, and computer skills. Better paying jobs required a minimum of a High School degree, which the Hmong did not have. The Hmong were clearly at a disadvantage, socially and economically, when they first arrived. This is not to say that all social and economic disadvantages have disappeared for the Hmong; however, there have been improvements.

A second problem that the Hmong faced had to do with dramatic change of roles. Back in Laos, men were the breadwinners, the head of the household. However, in the United States they saw themselves becoming helpless and weak. Since they did not speak any English, it was difficult for them to find work to provide for their families. Both Hmong parents, the mother and father, had to depend on their younger children who grew up in America and knew the language, to help them with almost everything from dialing the phone to translating at hospitals and court. For many Hmong parents, such dependency on their children to do minor tasks damaged their self-esteem as being parents, and took away their pride of being an older human being who is supposed to be more capable and competent than the young.

A third problem faced by the Hmong, particularly the Hmong males, had to do with the new freedom and rights that were available to Hmong women in the United States. Unlike the traditional culture in Laos, Hmong women had more freedom and rights in the United States. Such new freedom and rights included being able to go to school, vote, work, get a divorce without much complication, choosing a mate, dating, and much more. This new freedom allowed for many

improvements to take place as well as complications. Problems and situations such as marital infidelity, interracial marriages/relationships, frequent divorces, etc., which would otherwise happen back in Laos, arose as more women started adjusting to the American way of doing things.

Although I only mentioned three problems faced by the Hmong in America, there are many other problems that were and are still being faced by the Hmong then and today. However, due to limited space I will not elaborate on this topic. Nevertheless, I hope this section has given you a brief idea of some of the problems that the Hmong encountered in America.

Hmong Culture and its effect/Interaction with the Court

In this section, I will talk about some of the issues concerning the Hmong culture that may affect interaction with the courts. The topics that I will cover include: (1) the Hmong traditional dispute resolution system, which will also include different aspects of Hmong attitudes toward formal legal proceedings, (2) marriage customs, (3) fishing and hunting, (4) lack of English by the Hmong elders, and (5) beliefs about spiritualism. Other topics that I will also include in this section that may be of interest to the court are Hmong gangs, Hmong community politics/organizations, and cultural excuses.

The Hmong Traditional Dispute Resolution System

When problems such as marriage, child delinquency, domestic abuse, etc. arise with Hmong families, they are likely to be resolved within the Hmong community. Many Hmongs are uncomfortable using the legal system to solve their problems due to language/cultural barriers, beliefs/myths about the court system, and because they are afraid that taking an issue to court would make it bigger than it really is, leading to more hard feelings and damaged relationships. Another reason for not taking problems straight to court is that the decisions and advice of respected elders in the Hmong community are highly valued by the Hmong.

Older and distinguished members of the Hmong community are looked upon as being wise and therefore having much authority. They are the ones called to a debate/mediation meeting whenever problems arise. The meeting is usually held at someone's house, usually the house of the person who is asking for help/advice, or that of one of the respected mediators. The meeting is

usually set ahead of time, and each member who is invited to attend the meeting is notified about the meeting ahead of time. Usually during a mediation meeting, the elders/ mediators will listen to both sides of the story. They will ask questions from both parties for clarification purposes. Each party, if they wish to, may bring supporters (witnesses) to support their story. After listening to both sides of the story, the elders/mediators will determine what to do about the situation. Sometimes, depending on how complicated the matter is, mediation sessions could take more than ten hours of negotiation. Sometimes my father holds mediation sessions in our house, and they stay up all night debating, staying awake with only coffee and soda. If the session goes into the early morning then a later date is set for further discussion.

Some Hmong feel that some issues are unnecessarily going to court which can easily be solved through the mediation process. Such issues usually involve minor disputes such as marital disagreements/disputes (including cases where the husband is an adult and the wife a minor, which is perfectly all right in the Hmong culture, but may be deemed statutory rape by the court), parent-child problems, minor property disputes, and so on. Some Hmong feel that bigger issues involving bodily harm and injury (such as child abuse) should be handled by the court. Others feel that such issues should and could be handled through the traditional mediation process). The courts have been criticized by some Hmong for making issues bigger and worse than they were to begin with.

As mentioned earlier, some Hmong prefer to use the traditional resolution system to solve their problems because they have mythical or negative beliefs about the courts. One negative belief is that courts are prejudiced against people of different backgrounds (other than White) and people with language barriers. Another negative belief is that courts see people as guilty until proven innocent, and therefore any person who goes to court or is taken to court (especially minorities) will not have an equal chance to defend themselves. This negative view about the court system must have derived from the experiences of many Hmong refugees regarding treatment by officials back in Laos, where a person was guilty until proven innocent, and where officials were corrupted. Possible solutions to this problem include offering educational classes about the court system to people with different backgrounds (such as the Court-Community Leadership and Liaison Program that was offered in San Joaquin County), and hiring court staff workers and attorneys with different backgrounds (Hmong, Cambodian, Laotian, etc. to work in the courts).

Marriage Customs

In the Hmong culture it is normal for girls under the age of eighteen to marry men over the age of eighteen. This practice follows the belief that older men are more mature (they know more about the Hmong culture and have better etiquette), are economically stable, and therefore better able to take care of their brides. In contrast, this practice may be considered statutory rape by the courts. This difference in outlooks has created many hardships for Hmong couples that consist of an older husband and underage wife. In some situations, the husband is arrested despite the fact that the husband and his wife have been married for a couple of years, are considered to be married by the Hmong community, and have children together. When an arrest takes place, this confuses some Hmong and leaves them hopeless that the court will ever see things their way.

Another difference that must be brought up regarding Hmong marriages and other marriages is that when a Hmong woman gets married, her husband or the husband's family must pay a monetary price to the woman's family. Some people, and perhaps the court, see this practice as selling a person to another person. However, this is not the case, or at least not the idea behind the monetary gift. The money that is given to the woman's family is used to help buy things such as food, clothes, gifts, decorations, and other wedding-related supplies for the wedding. It also symbolizes the time and effort that the woman's parents put into raising her. Once the woman marries her husband she will take on a new last name and identity. Thus, some parents feel that when they are given a monetary gift by the husband and his family, they are in a way compensated for the time that they have spent raising the woman. In return the wife's parents will also give the wife and her new husband money to take back with them to help them start their new life together.

Sometimes, however, when marriage problems arise, for example, if the wife cheats on her husband, the husband and his relatives will demand their money (that was given to the parents at the beginning of the wedding) back. An analogy to this is a customer returning a product back to the store because it is defective. When this happens, there will be a discussion among the wife's and husband's families. The whole traditional dispute resolution that we mentioned earlier will be used to solve this problem. If the wife admits cheating or is proven to have cheated on her husband then a portion of the money (depending on how long the wife has been married to the husband) is returned to the husband and his relatives. If, on the other hand, the husband admits to be the cheater or is

proven to be the cheater in the relationship then the wife is usually returned to her family and the wife's family gets to keep the money. However, this process of getting a divorce or not is more complicated then it seems. Most of the time the wife is encouraged to not leave her husband (despite being unhappy, cheated on, and abused) for the sake of her children (if any) and for the sake of saving her family's and her own reputation.

Fishing and Hunting

Back in Laos, there is or at least there were no limits on how many fish one could catch or animals one could kill for food purposes, and there were no special requirements such as a license for fishing and hunting. This is why older Hmong fishermen and hunters get confused when they go fishing or hunting without a license and receive a ticket ordering them to pay a big fee. They also get confused when they receive another ticket ordering them to pay another big fee for capturing too many fishes or hunting down too many squirrels.

Back in Laos, people only fished and hunted for food. It was a matter of surviving or starving. Over here in America, fishing and hunting has become a popular sport for some, which has contributed to new laws regarding how many animals one can take. The Hmong see fishing and hunting not as a sport, but as a source of food. Thus, they do not understand the ideas behind the fishing and hunting restrictions. Moreover, because they are used to fishing and hunting in their own country without ever having to have a special license to do so, it is difficult for them to see that they are doing something wrong when they do fish and hunt without one.

Lack of English by the Hmong Elders

My grandfather is eighty-three years old and does not speak a word of English. Because he does not speak English he is afraid to go outside or anywhere by himself. When we leave him home alone (on Sundays to go to church) we are afraid that if there is an emergency he will not know how to call 9-1-1 for help. My grandfather, because he is a non-English speaker, has never had a driver's license, and even though he desired one in his younger years, will never be able to get a driver's license because he will never be able to pass the *English* written driver's exam. My grandfather, as a result, has to depend on my parents and us (his grandchildren) to do everything for him, from

taking him to the store to dialing the phone for him.

Many Hmong elders are experiencing the same difficulties that my grandfather is experiencing. They feel helpless because they cannot speak English. Everywhere they go they need a translator. Sometimes when they cannot get a reliable translator they will have their younger grandchildren translate for them. When this happens, the question of how well a nine or ten year old child, who may speak more Hmong than English, can translate becomes a big issue.

Moreover, Hmong elders, although by tradition they are the most respected among the Hmong, cannot take part in a lot of activities that they see as being beneficial to the Hmong community because they do not speak English. Such activities include the community focus group meetings put on by the San Joaquin County Superior Court. The purpose of the focus group meetings was to educate the courts about how they can better serve the different communities (such as the business community, past and potential jurors, Hmong community, African-American community, etc.) in San Joaquin County. Although there were quite a few older Hmong present at the meeting they were not able to contribute as much as they wanted to because of their lack of English. Translators were available at the meeting; however, translation reduces the time that each person has to contribute their thoughts so not everyone had a chance to say all that they wanted to say.

Beliefs about Spiritualism in Court

In America, judges or juries decide which party is lying and which is telling the truth. The Hmong, on the other hand, rely on a supernatural source of power to make this decision. Part of this belief comes from the Hmong view that humans have the ability to lie, thus, they cannot always be trusted, and that humans lack the power to see the whole truth. When there is a dispute, one party will accuse the other of wrongdoing. The accused will need to swear to the heaven and earth in front of the accuser that he/she has not done anything criminal. The accuser will then curse the accused to have a bad life and so on if he/she is lying. Sometimes, in more serious cases, a ritual is performed to ask for help from ancestors and spirits to help capture the perpetrator.

Back in Laos, the traditional way of determining perpetrators was to set out guns in a row with the triggers pulled back and secured with a stick. Each villager that was suspected of

committing a criminal act was asked to walk through the row of guns. The villager, determined to clear his/her name, would walk through the row of guns without hesitation. The villager that was able to walk safely by the guns was considered innocent. Other villagers who tried to walk by the guns but got shot were considered guilty. Although this method is not practiced any longer by the Hmong in America, the traditional belief that a higher, supernatural source of power is the only source capable of knowing the truth, and therefore the only source capable of punishing the perpetrator, is still popular among the Hmong. Because of this, courts should not be surprised if Hmong families, during a case hearing or trial, ask permission to burn incense, to sacrifice animals, and to perform rituals. In their eyes they are not doing anything unusual; by burning incense, sacrificing animals, and performing rituals, they are only asking their ancestors for help to see that justice is served. Sometimes the rituals are performed to ask ancestors and spirits to help guide the judges in their decision making so that they will make only wise decisions.

Community Politics and Organizations

The Hmong are very organized. In California alone there are over thirty Hmong organizations. Hmong organizations can be found throughout the United States. A list of all Hmong organizations is available on many of the Hmong web sites on the Internet: use a search engine such as "Yahoo" and type in the word "Hmong." Courts should obtain a list of the Hmong organizations in their county or city and use the resources that are offered by those organizations. Most Hmong organizations, although they may not offer the specific services that the courts may be looking for are still more than willing to help the courts in any way possible. They may refer the court to another source that offers the services requested by the court, or they may go out of their way to complete the task themselves.

Cultural Excuses

Polygamy, although some may claim is part of the Hmong culture, is not part of the Hmong culture. Hmong men were not trained to marry more than one wife. Neither is marrying more than one wife a structure of the Hmong culture. Some Hmong associate polygamy with the Hmong culture because: (1) they do not know, and/or, (2) to make polygamy appear legitimate and more

justified. However, polygamy is not consistent with Hmong culture; it comes from the *desire* to have more than one wife. Polygamy was not practiced by the Hmong until the secret war[8] began. Young boys and men were recruited to fight in the war. Near the end of the war much of the Hmong male population was wiped out. Hmong women were forced to remarry. They became the second, third, fourth, and sometimes even the fifth wife of another man. But to many Hmong widows, being the second or third wife of a man was better than not having a husband at all to provide for their families. Some widows were forced to marry their brothers-in-law and cousins for the sake of having a husband for them and a father for their children. Most men were reluctant to marry their widowed sisters-in-law and other close female relatives; but, they felt it was their duty to take care of their brothers' families, and marriage was the only way for them to do so. Males play a crucial role in Hmong families. To not have a male as the head of the household meant living in poverty and abandonment.

Hmong Gangs

The major Hmong gangs that can be found throughout the United States, (mainly in California) are: (1) Original Green Bloods (OGB); (2) Men of Destruction (MOD); (3) Hmong Nation Society (HNS).

Vince Moua[9], a Hmong case worker for Lao Family Community of Stockton, located in Stockton, California, works with many at-risk Hmong youths. He stated that Hmong gang members have become less involved with violent crimes such as drive-by shootings and home invasions. They have directed much of their attention to other activities such as drug use; "raving" (dancing and using drugs at private parties); drag racing; and physical sports such as basketball and volleyball. However, one trend that has been growing with Hmong gangs is rape and sexual assault against Hmong girls between the ages of 13 and 21. There have been many cases of Hmong girls being sexually assaulted, gang raped, and then stranded in the middle of nowhere, with no clothes on. Some girls never make it back home; instead, their bodies are found days later. Cases of finding the bodies of raped (Hmong) female victims in rivers are not new to the Hmong community.

The Future Hmong Generation

A big concern of many Hmong parents and community members is the younger Hmong generation. It is evident even now that many young Hmong adults who were born and raised in the United States are losing touch with the Hmong language and culture. Many young Hmong adults speak more English than Hmong and/or do not have an understanding for the Hmong language anymore. This is a big concern for Hmong parents and community members because translation needs are left unmet. Even though there are more Hmong entering universities and becoming lawyers, doctors, engineers, and so on, if these new professionals do not speak any Hmong they are of little benefit to the Hmong community.

Another big concern has to do with the younger Hmong generation becoming too Americanized, and thus, losing touch with the Hmong culture. More now than before, Hmong members of the community can be seen entering into interracial relationships/marriages, getting divorces more frequently, going to colleges away from home, losing knowledge of the Hmong culture, language, heritage and history, and refusing to live with their parents and/or to take care of their aging parents. Due to the concerns mentioned above, courts should not be surprised to see more cases involving divorces with Hmong couples in the future, cases involving Hmong elder abuse, and to find that searching for a reliable translator will be more difficult to find in the future.

Endnotes

1. Faderman, Lillian. *I Begin My Life All Over Again*, Boston: Beacon Press, 1998.
2. Faderman, p. 3.
3. Faderman, p. 5.
4. Faderman, p. 5.
5. Faderman, p. 5.
6. Faderman, p. 8.
7. Faderman, p. 8.
8. Plaff, Tim. *Hmong in America: Journey from a Secret War*. Wisconsin: Chippewa Valley Museum Press, 1995.
9. Vince Moua. Face to face interview. 15 June 2001.